REMARKS

[0003]   Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

[0004]   Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1, 4-7, 11-16, 19, 25-29, 42-46, 50, 52-55, 59, 61 are presently pending. Claims amended herein are 1, 11, 25-28, 42, 50, and 59. Claims withdrawn or cancelled herein are 20, 21, 62, and 63. No new claims are added herein.

Statement of Substance of Interview

[0005]   The Examiner graciously talked with me—the undersigned representative for the Applicant—on March 12, 2009.   Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0006]   During the interview, I discussed how the claims differed from the cited references, namely TechNet and Computing.net. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0007]   The Examiner was receptive to the proposals, but indicated that he would need to review the cited references more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

[0008]   Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited references of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0009]   If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0010]   Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments

[0011]   Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 11, 25-28, 42, 50, and 59 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify

allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

Substantive Matters

Claim Rejections under § 103

[0012]   The Examiner rejects claims 1, 4-7, 11-16, 19-21, 25-29, 42-46, 50, 52-55, 59, 61-63 under § 103. In response, Applicant has amended the claims to overcome the Examiner's rejections. Accordingly, Applicant respectfully requests that the § 103 rejections be withdrawn and the case be passed along to issuance.

[0013]   The Examiner's rejections are based upon the following references alone or in combination:

- **Microsoft TechNet:** *Remote Operating System Installation,* September 1999, print version – retrieved from http://technet.microsoft.com on 01/09/09, pages 1-28;

- **Computing.net:** *Installing a New Operating System,* retrieved 7/21/2008 at http://www.computing.net/cgi-bin/printer.pl?17954lwindowsme , Computing.Net, 01/04/2002, pp. 1-5

- **Pawlak:** *Pawlak, Software Update Service to Ease Patch Distribution,* retrieved on Feb 28, 2007 at http://www.directionsonmicrosoft.com/sample/DOMIS/update/2002/05may/0502sustep.htm , Directions on Microsoft. 2002, pp 1-13

Overview of the Application

[0014] The Application describes a technology for remotely managing operating system deployments. Various features can allow a system administrator to plan and schedule operating system or image deployment on various computers or machines throughout an organization. Planning and scheduling image deployment, in accordance with the various systems and methods described below, can take place in bandwidth-sensitive environments and are easily scalable. Various embodiments can provide an imaging process that seamlessly migrates data or state (e.g. machine/client/user data and state) to a newly-imaged operating system. In addition, at least some embodiments can provide end users with flexibility to alter the behavior of the image deployment within policies that are specified by the system administrator. Additional embodiments provide a rich mechanism by which status reports are generated and sent to the system administrator to assist them in managing the deployment. Further embodiments can conduct operating system deployment *in-place*, meaning that additional disk partitions are not required.

Cited References

[0015]   The Examiner cites TechNet as the primary reference in the obviousness-based rejections. The Examiner cites Computing.net and Pawlak as secondary references in the obviousness-based rejections.

Microsoft TechNet

[0016]   Microsoft TechNet describes a technology for deploying operating systems onto user terminals remotely from an administrator terminal.

Computing.net

[0017]   Computing.net describes how to install a new Windows ME operating system.

Pawlak

[0018]   Pawlak describes a software update service for ease Microsoft patch distribution.

Obviousness Rejections

Based upon TechNet and Computing.net

[0019] The Examiner rejects claims 1, 4-7, 11-16, 19-21, 59, 61-63 under 35 U.S.C. § 103(a) as being unpatentable over TechNet and Computing.net. In response, Applicant has amended the claims to overcome the Examiner's rejections.

Independent Claim 11

[0020] Applicant submits that combination of TechNet and Computing.net does not teach or suggest at least the following features as recited in this claim (with emphasis added):

> "wherein the multi-phase image deployment process is configured to generate status reports during each of the phases, said status reports being transmittable to a system administrator to facilitate management of the image deployment process, **wherein status reports are generated by an old client associated with the old operating system, and a new client associated with the new operating system**"

[0021] Previously, these features were recited by now cancelled claim 21. In rejecting claim 21, the Examiner stated:

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Atty/Agent: Robert C. Peck
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www.leehayes.com   509.324.9256

As per claim 21: TechNet further discloses *wherein the multi-phase image deployment process is configured to generate status reports during each of the phases, said status reports being transmittable to a system administrator to facilitate management of the image deployment process, wherein status reports are generated by an old client associated with the old operating system, and a new client associated with the new operating system* (See p. 6: See Remote Installation Services Setup; also refer to administrator is prompted).

[0022] The passages cited by the Examiner as disclosing the above recitations – page 6 of TechNet – teach nothing of the sort. Rather, they describe the installation of the remote installation server on a remote server device. The remote installation server is not described as being an operating system, and is not one inherently (rather, server software may be an application). Further, no mention is made of *clients*, much less *old clients* of old OSes or *new clients* of new OSes.

[0023] As shown above, the combination of TechNet and Computing.net does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claims 1 and 59

[0024] These claims include recitations similar to those discussed above with regard to claim 11. Accordingly, for at least the same reasons, claims 1 and 59 are patentable over the cited references.

Dependent Claims 4-7, 12-16, 19-21, 61-63

[0025]   Claims 20, 21, 62, and 63 are cancelled, thus obviating their rejections.

[0026]   Claims 4-7, 12-16, 19, and 61 ultimately depend upon independent claims 1, 11, and 59. As discussed above, claims 1, 11, and 59 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.   Additionally, some or all of these claims may also be allowable for additional independent reasons.

Based upon TechNet, Computing.net, and Pawlak

[0027]   The Examiner rejects claims 25-29, 42-46, 50, and 52-55 under 35 U.S.C. § 103(a) as being unpatentable over TechNet, Computing.net, and Pawlak.   In response, Applicant has amended the claims to overcome the Examiner's rejections.

Independent Claims 25, 42, and 50

[0028]   The Examiner cites Pawlak as describing "notifying a target machine user that a new operating system image is desired to be deployed on the target machine" and "providing the user with an option to postpone image deployment on the target machine", as recited by claims 25, 42, and 50. Pawlak is not cited as teaching or suggesting – and does not teach or suggest, the amended

recitations discussed above with regard to claim 11. Thus, claim 11 remains patentable even when Pawlak is combined with TechNet and Computing.net.

[0029] Claims 25, 42, and 50 include recitations similar to those discussed above with regard to claim 11. Accordingly, for at least the reasons that claim 11 is patentable over TechNet, Computing.net, and Pawlak, claims 25, 42, and 50 are also patentable over those cited references.

Dependent Claims 26-29, 43-46, and 52-55

[0030] These claims ultimately depend upon independent claims 25, 42, and 50. As discussed above, claims 25, 42, and 50 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Conclusion

[0031]   All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.   If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**.   Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

/Robert C. Peck/   Dated: 03/20/2009
Kasey C. Christie (kasey@leehayes.com; x4732)
Registration No. 40559
Robert C. Peck (robp@leehayes.com; 206-876-6019)
Registration No. 56826
Customer No. **22801**

Telephone: (509) 324-9256
Facsimile: (509) 323-8979
www.leehayes.com

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Atty Docket No.: MS1-1613US   -29-   lee&hayes   The Business of IP ™
Atty/Agent: Robert C. Peck   www.leehayes.com   509.324.9256